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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 POINT RUSTON, LLC; MICHAEL A.
9 COHEN; and SILVER CLOUD, INC.,

10 Plaintiffs,

11 v.

12 PACIFIC NORTHWEST REGIONAL
13 COUNCIL OF THE UNITED
14 BROTHERHOOD OF CARPENTERS
15 AND JOINERS OF AMERICA; JOBS
16 WITH JUSTICE EDUCATION FUND
17 OF WASHINGTON STATE, a non-profit
18 corporation; JIMMY MATTA,
19 individually and as a representative of the
20 Regional Council; JIMMY HAUN,
21 individually and as a representative of the
22 Regional Council; JACOB CARTON,
23 individually and as a representative of
24 Jobs With Justice; ADAM HOYT,
25 individually and as a representative of
26 Jobs With Justice; and Does 1-50,

27 Defendants.

CASE NO. C09-5232BHS

ORDER DENYING PLAINTIFFS
MOTION TO COMPEL
DOCUMENTS IN RESPONSE
TO PLAINTIFFS' FIRST
REOUSET FOR PRODUCTION
OF DOCUMENTS TO
DEFENDANTS JOBS WITH
JUSTICE EDUCATION FUND
OF WASHINGTON STATE,
JACOB CARTON, ADAM
HOYT, AND DOES 1-50

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This matter comes before the Court on Plaintiffs' motion to compel production of documents (Dkt. 79). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby denies the motion for the reasons stated herein.

I. ASSOCIATIONAL PRIVILEGE

On September 10, 2009, Plaintiffs filed their motion to compel production of documents (Dkt. 79). On September 22, 2009, Defendants filed a response (Dkt. 83) in opposition to Plaintiffs' motion. On September 25, 2009, Plaintiffs filed a reply (Dkt. 88).

1 The parties dispute whether some of the requested documentation is protected from
2 disclosure by associational privilege. However, at this time, the Court does not find it
3 prudent to determine the merits of these arguments. Defendants Jobs With Justice
4 Education Fund of Washington State, Jacob Carton, Adam Hoyt, and Does 1-50
5 (hereinafter referred to as "JWJ") assert in their response (Dkt. 83) that they will produce
6 a privilege log by October 7, 2009. The Court expects that JWJ will comply with their
7 own deadline and will not use this privilege log as an opportunity to assert privilege on a
8 wholesale basis. Instead, the Court expects JWJ to use the privilege log to dutifully
9 inform Plaintiffs as to what documents or other requested materials JWJ believes are
10 protected under privilege, whether it be associational or otherwise.

11 Once the October 7, 2009, privilege log is provided to Plaintiffs, Plaintiffs will
12 have an opportunity to review the log and determine if renewal of this motion is
13 necessary.


14 II. ELECTRONIC DISCOVERY

15 The parties' pleadings also discuss the need to conduct e-discovery in this case.
16 See Dkts. 79, 83, and 88. The Court directs the parties to meet and confer in good faith
17 and develop a plan going forward with respect to any e-discovery needs in this case.

18 III. ORDER

19 Therefore, it is hereby **ORDERED** that Plaintiffs' motion to compel is **DENIED**,
20 and the parties are directed to proceed as stated herein.

21 DATED this 30th day of September, 2009.

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25 BENJAMIN H. SETTLE
26 United States District Judge
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